

**INITIAL STATEMENT OF REASONS  
FOR  
PROPOSED BUILDING STANDARDS  
OF THE  
OFFICE OF THE STATE FIRE MARSHAL**

**REGARDING THE 2016 CALIFORNIA ELECTRIC CODE,  
CALIFORNIA CODE OF REGULATIONS, TITLE 24, PART 3**

**2016 INTERIM RULEMAKING CYCLE**

The Administrative Procedure Act (APA) requires that an Initial Statement of Reasons be available to the public upon request when rulemaking action is being undertaken. The following information required by the APA pertains to this particular rulemaking action:

**STATEMENT OF SPECIFIC PURPOSE, PROBLEM, RATIONALE and BENEFITS:**

Health and Safety Code Section 18928:

The specific purpose of this rulemaking effort by the Office of the State Fire Marshal (SFM) is to act in accordance with Health and Safety Code section 18928, which requires all proposed regulations to specifically comply with this section in regards to the adoption by reference with amendments to a model code within one year after its publication.

The actions described above are reasonably necessary to carry out the purpose for which it is proposed. The rationale for these actions is to establish minimum requirements for the prevention of fire and for the protection of life and property against fire and panic in occupancies addressed in the 2014 National Electric Code and published as the 2016 California Electric Code.

The general purpose of this proposed action is principally intended to update the 2016 California Electric Code (California Code of Regulations, Title 24, Part 3) based upon updated information or recent actions of the SFM. This proposed action:

- Repeal certain amendments to the 2014 National Electric Code and/or California Electric Standards not addressed by the model code that are no longer necessary nor justified pursuant with Health and Safety Code 18930(a)(7).
- Adopt and implement additional necessary amendments to the 2016 California Electric Code that address inadequacies of the 2014 National Electric Code as they pertain to California laws.
- Codify non-substantive editorial and formatting amendments to the 2016 California Electric Code.

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**[Item 1. Energy Storage Systems.]**

ARTICLE 706

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**Rationale:** The OSFM is proposing the above modifications based on the 2017 National Electrical Code. The proposal is bringing the regulations in to the California Electrical Code early to address the current need for guidance for the industry and regulators for the new expanding and changing industry. California is a leader in nation for the energy storage system the regulations are currently needed. This proposal corresponds with the California Fire Code proposal to adopt the International Fire Code proposal (F95-16) on Energy Power Storage Systems. The International Fire Code proposal was approved for the 2018 International Fire Code. This code proposal has been heard by the ICC Fire Code Committee at the ICC Code Hearings held April, 2016 in Louisville, KY. Final Action of these modifications was approved in November 2016, in Kansas City, MO. The SFM is bringing these proposals forward based on the current need for guidance and clarification on the safe installation of energy storage system that an emerging industry in California.

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**[Item 2. NFPA 72 edition updates.]**

210.12  
640.3  
640.9  
645.10  
760.1  
760.1.1  
760.179  
Annex G

The OSFM is proposing to update the NFPA 72 to the 2016 edition. The 2016 edition was adopted in the California Fire Code and California Building Code during the 2016 triannual adoption. This change is editorial in matter to remove the conflict.

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**[Item 3. NFPA 13 edition updates.]**

362.10

The OSFM is proposing to update the NFPA 13 to the 2016 edition. The 2016 edition was adopted in the California Fire Code and California Building Code during the 2016 triannual adoption. This change is editorial in matter to remove the conflict.

### **TECHNICAL, THEORETICAL, AND EMPIRICAL STUDY, REPORT, OR SIMILAR DOCUMENTS:**

The SFM did not rely on any technical, theoretical, and empirical study, report, or similar documents outside of those contained in this rulemaking in proposing that CBSC adopt said model code as a reference standard for the placement of existing SFM regulatory amendments for the California Building Standards Codes.

### **STATEMENT OF JUSTIFICATION FOR PRESCRIPTIVE STANDARDS:**

The SFM believes that the amendments to the model code any additional building standards proposed are offered in typically both a prescriptive and performance base. The nature and format of the model code adopted by reference afford for both methods, the following is a general overview of the model codes proposed to be adopted by reference as well as state modifications:

This comprehensive electric code establishes minimum regulations for fire prevention and fire protection systems using prescriptive and performance-related provisions. It is founded on broadbased principles that make possible the use of new materials and new system designs.

This code is founded on principles intended to establish provisions consistent with the scope of a building and fire code that adequately protects public health, safety and welfare; provisions that do not unnecessarily increase construction costs; provisions that do not restrict the use of new materials, products or methods of construction; and provisions that do not give preferential treatment to particular types or classes of materials, products or methods of construction.

The National Electric Code provisions provide many benefits, among which is the model code development process that offers an international forum for building and fire safety professionals to discuss performance and prescriptive code requirements. This forum provides an excellent arena to debate proposed revisions. This model code also encourages international consistency in the application of provisions.

### **CONSIDERATION OF REASONABLE ALTERNATIVES**

The SFM has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this code.

### **REASONABLE ALTERNATIVES THE AGENCY HAS IDENTIFIED THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS.**

The SFM has determined that no alternative considered would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed adoption by reference with SFM amendments. Therefore, there are no alternatives available to the SFM regarding the proposed adoption of this code.

### **FACTS, EVIDENCE, DOCUMENTS, TESTIMONY, OR OTHER EVIDENCE OF NO SIGNIFICANT ADVERSE IMPACT ON BUSINESS.**

The SFM has made a determination that this proposed action will not have a significant adverse economic impact on business. Health and Safety Code Section 18928 requires the SFM, when proposing the adoption of a model code, national standard, or specification shall reference the most recent edition of the applicable model code, national standard, or specification. Therefore, there are no other facts, evidence, documents, testimony, or other evidence on which the SFM relies to support this rulemaking.

### **ASSESSMENT OF EFFECT OF REGULATIONS UPON JOBS AND BUSINESS EXPANSION, ELIMINATION OR CREATION**

The Office of the State Fire Marshal has assessed whether or not and to what extent this proposal will affect the following:

☒ The creation or elimination of jobs within the State of California.

These regulations will not affect the creation, or cause the elimination, of jobs within the State of California.

☒ The creation of new businesses or the elimination of existing businesses within the State of California.

These regulations will not affect the creation or the elimination of existing business within the State of California.

☒ The expansion of businesses currently doing business with the State of California.

These regulations will not affect the expansion of businesses currently doing business within the State of California.

☒ The benefits of the regulation to the health and welfare of California residents, worker safety, and the state's environment.

These regulations will update and improve minimum existing building standards, which will provide increased protection of public health and safety, worker safety and the environment.

**ESTIMATED COST OF COMPLIANCE, ESTIMATED POTENTIAL BENEFITS, AND RELATED ASSUMPTIONS USED FOR BUILDING STANDARDS**

The OSFM does not anticipate any significant cost of compliance with the proposed building standards. The regulations are based on the model code. Health & Safety section 18928 requires that building standard be essentially the same as the most recent edition of the uniform industry codes. These regulations benefits are to have clear, concise, complete and update text of the regulations and standards.

**DUPLICATION OR CONFLICTS WITH FEDERAL REGULATIONS**

The SFM has determined that this proposed rulemaking action does not unnecessary duplicate or conflict with federal regulations contained in the Code of Federal Regulations that address the same issues as this proposed rulemaking.